

LORDS AMENDMENTS



TO THE



EVICTED TENANTS (IRELAND) BILL.

[*Note.—The page and line refer to Bill (148.) as first printed by the Lords.]*

Page 1.

Leave out subsection (1) and insert :

(1) If the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of any land which they desire to acquire compulsorily for such purposes compensation for the loss which would be sustained by the owner by being deprived thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions of subsection eight of section two of this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate.

Page 2.

Line 4, after ("Acts") insert ("not exceeding two thousand in all").

Line 15, after ("land") insert ("Provided always that no lands shall be acquired compulsorily which have been purchased or agreed to be purchased under the Land Purchase Acts prior to the first day of May one thousand nine hundred and seven, nor any tenanted land which is in the possession or occupation of a householder tenant using or cultivating the same as an ordinary farmer in a husbandlike manner").

Lines 16 to 21, leave out subsection (4).

[Bill 327.]

A

4.

Page 3.

Line 3, leave out ("price thereof") and insert ("amount
" of compensation to be paid therefor, as if the said lands
" were about to be acquired compulsorily under the Lands
" Clauses Consolidation Act, 1845"). .

Line 11, leave out from ("land") to the end of the subsection
and insert ("of such compensation as to them appears to
" be reasonable").

Lines 17 and 18, leave out ("at the aforesaid price") and
insert ("upon the terms aforesaid").

Lines 22 to 27, leave out subsection (6).

Line 29, after ("withdrawn") insert ("the Estates Commis-
" sioners or any two of them shall hear and by order
" determine").

Line 30, leave out from ("thereon") to the end of the
subsection (7) and insert:—

(8)—(a) Any person aggrieved by any order of the Estates
Commissioners made upon the hearing of any such
petition as aforesaid may, within the time and in the
manner prescribed by rules to be made as herein-after
provided, apply as he shall elect, either to the King's
Bench Division of the High Court of Justice in Ireland,
or to the Judges of Assize for the county in which
the lands sought to be acquired, or the greater part thereof,
are situated, to hear and determine any question of law
or fact arising out of any such petition or order,
including any question of law or fact under section one,
subsection three, and section six. Every such appli-
cation shall be heard and determined by one of the
Judges of Assize for the said county, or by one of
the Judges of the King's Bench Division, to be selected
by the said Judges according to a rota to be framed
by them at the commencement of each sitting of the
said High Court. Upon the hearing of every such
application the Judge shall have power and authority
to hear and determine all questions of law and fact
that may arise, including the adequacy of the com-
pensation awarded by the said order, and in particular
the question whether, upon the facts and circumstances
proved in evidence before him, the compulsory acquisi-
tion of the lands in the said petition or order
mentioned was just and reasonable, and he may give

judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit:

- (b) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at Nisi Prius, including the power to administer an oath, and to compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just;
- (c) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Consolidation Act, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act;
- (d) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by section seven of the Act of 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject;
- (e) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application;
- (f) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as

aforesaid may be consolidated, and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of the same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred :

- (g) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland :
- (h) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below :
- (i) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard, the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of the said application, as if the same were an action at law pending in the said division :
- (j) The provisions of section twenty-three of the Act of 1903 shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not after the date of such decision, be referred for decision to the Judicial Commissioner nor while a question of

law is awaiting decision in any application pending before such a Judge, shall the same question of law be referred for decision to the Judicial Commissioner, unless at the request of some person who is neither a party to nor interested in the matter of the said application :

- (k) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purposes of the Land Purchase Acts be deemed to be the price to be paid for the purchase thereof :
- (l) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland :
- (m) In addition to any compensation to be awarded to the owner under this section, the Estates Commissioners, or the Judge on Appeal, shall have power to award such sum as may appear reasonable in respect of any arrears of rent due by the tenant at the date of the eviction, or in respect of any money paid to the tenant in respect of his interest or goodwill in the lands :
- (n) If no petition has been presented within the prescribed period, or if every such petition has been withdrawn, or if all questions under all petitions have been determined in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands, a binding agreement for the purchase of the lands shall be deemed to have been concluded between the Estates Commissioners and the owner thereof, and the Land Commission shall within six months pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners may make an order vesting the lands in the Land Commission.

Lines 35 to 38, leave out subsection (8).

After clause 2, insert new clause A.:

PUBLICATION OF DECISIONS AND RETURNS.

A.—(1) The Estates Commissioners shall publish particulars of all cases in which an evicted tenant, or a person nominated by them to be the personal representative of a deceased evicted tenant, has been or may be hereafter, with their assistance, reinstated as a purchaser of his or his predecessor's former holding or provided with a new parcel of land under the Land Purchase Acts.

(2) Such particulars shall be in the form of a quarterly return, which shall be laid before Parliament as soon as may be after it is made, and shall contain such particulars of each case as may be prescribed, including the particulars set forth in the schedule to this Act, if and so far as it may be practicable to furnish the same.

Page 4.

Line 3, after ("thereof") insert ("and ending either on the first day of May or on the first day of November")

Line 14, after ("holding") insert ("and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and chattels to such parcel of land")

Line 19, after ("holding") insert ("and for any expense or loss incidental to the removal of himself and his family, as well as of his crops, stock, and chattels from the said holding")

Line 22, after ("1881") insert ("Provided that the Estates Commissioners may, if they think proper, and the new tenant so desires, award a sum as full compensation under this subsection three, without making an offer of a parcel of land under subsection two")

Page 5.

Line 5, at the beginning of the subsection insert ("except as herein-before provided")

Leave out clause 5.

Line 25, after ("which") insert ("is or") and after ("farm") insert ("townpart") and leave out ("or")

Line 26, after ("ground") insert ("or ground suitable for building sites, or which for any reason possesses an exceptional or accommodation value to the owner")

Line 33, leave out ("immediately adjoining and")

After clause 6 insert new clauses B. and C.:

B. The owner of any land proposed to be acquired under this Act may offer to sell any other land as an alternative, and the Estates Commissioners shall consider any such offer.

C. Where any land is compulsorily acquired under this Act all sporting rights theretofore vested in the owner of the land shall, if he so desires, be expressly reserved to him.

Page 6.

Line 1, leave out ("holding") and insert ("parcel of land")

Line 4, leave out ("holding") and insert ("land")

Line 6, leave out ("holding") and insert ("parcel of land")

Lines 6 and 7, leave out ("whether under the Act of 1903 or this Act") and insert ("under the Land Purchase Acts")

Line 8, after ("any") insert ("other")

Lines 10 and 11, leave out ("of the order vesting such holding in him") and insert ("on which the parcel of land became vested in him")

Lines 13 and 14, leave out ("from the Estates Commissioners")

Line 15, after the second ("any") insert ("other")

Line 14, leave out ("or under this Act")

Line 18, leave out ("of the order vesting such holding in him") and insert ("on which the parcel of land purchased by him became vested in him")

Line 24, leave out ("may") and insert ("after having been offered to the person from whom it was acquired may if the offer is not accepted by him within the prescribed time")

Leave out clause 13.

Page 7.

After clause 15 insert new clause D.

D. The provisions of this Act conferring powers for the acquisition of land and for the determination of tenancies shall continue in force for three years after the passing of this ^{Act}.

At the end of the Bill insert the following Schedule:—

SCHEDULE.

PARTICULARS OF DECISIONS AND RETURNS.

COUNTRY.	Name of Estate on which former holding stands.	Township in which former holding stands.	Date of Return.	Annual Rent of former holding at date of revision (as stated in tenant's application).	Administrator responsible for Grants and repayments.	Expenditure incurred out of Return Fund.		Acre.		Book Law Valuation.	
						(6)	(7)	(8)	(9)	(10)	(11)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

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TO THE

EVICTED TENANTS (IRELAND)
BILL,

Ordered, by The House of Commons, to be Printed,
16 August 1800.



PAINTED BY STEELE AND SPOTTERIDGE,
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[Bill 327.]